04/20/04



1635/ Ahr

Docket No.: 06181/000K439-US0

(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dae Gun Kim

Application No.: 10/089,641

Art Unit: 1635

Filed: May 3, 2002

Examiner: B. A. Whiteman

For: EXPRESSION VECTOR CODING P972-GENE

FOR CANCER THERAPY AND ADENOVIRUS

PRODUCING THE SAME

## RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

#### INTRODUCTORY COMMENTS

In response to the Office Action dated June 17, 2004, this submission is responsive to the Restriction Requirement. It is believed no extension fees are due, however, please charge any fees to deposit account 01-0400. The fee for the additional claims is enclosed.

Listing of the Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

09/20/2004 EAREGAY1 00000099 10089641

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126.00 OP

PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
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# **TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Filing Date May 3, 2002 First Named Inventor Dae-Gun Kim, et al. Art Unit 1635 **Examiner Name** B. A. Whiteman Attorney Docket Number 06181/000K439-US0

ENCLOSURES (Check all that apply)									
X Fee Transn	nittal Form	Drawing(s)	After Allowance communication to Technology Center (TC)						
X Fee A	Attached	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences						
X Amendmer	nt/Reply	Petition	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)						
After	Final	Petition to Convert to a Provisional Application	Proprietary Information						
Affida	avits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address	Status Letter						
Extension of Time Request		Terminal Disclaimer	Other Enclosure(s) (please Identify below):						
Express Abandonment Request		Request for Refund	Four References (5 pages) Certificate of Express Mailing						
Information Disclosure Statement		CD, Number of CD(s)							
Certified Copy of Priority Document(s)									
Response to Missing Parts/ Incomplete Application		Remarks							
Response to Missing Parts									
under 37 CFR 1.52 or 1.53									
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT									
Firm	DARBY & DARBY P.C.								
or Individual name	ividual name Stephanie R. Amoroso, Ph.D 51,401								
Signature	Machine								
Date	September 17, 2004								



### AMENDMENT TRANSMITTAL LETTER

Docket No. 06181/000K439-US0

AIVIEIN		TRANSMITTAL LETTER			.\	06181/000K439-US0				
Application No.		Filing	Examiner		Art Unit					
10/089,6	541	May 3, 2002 B. A. Whiten			. A. Whitema	an j	1635			
Applicant(s): Dae-Gun Kim, et al.										
Invention: EXPRESSION VECTOR CODING P972-GENE FOR CANCER THERAPY AND ADENOVIRUS PRODUCING THE SAME										
TO THE COMMISSIONER FOR PATENTS										
Transmitted herewith is an amendment in the above-identified application.  The fee has been calculated and is transmitted as shown below.										
The lee has been	Calculated an		S AS AMENI							
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present		Rate					
Total Claims	27	- 20 =	7	Х	18		126.00			
Independent Claims	2	- 3 =	0	х	86		0.00			
Multiple Depend	ent Claims (ch	eck if applicabl	e)							
Other fee (please specify):										
TOTAL ADDITI	ONAL FEE FO	OR THIS AME	NDMENT:				126.00			
x Large Entity					Small Entity					
No additional fee is required for this amendment.										
Please charge Deposit Account No in the amount of \$  A duplicate copy of this sheet is enclosed.										
X A check in the amount of \$ 126.00 to cover the filing fee is enclosed.										
Payment by credit card. Form PTO-2038 is attached.										
The Director is hereby authorized to charge and credit Deposit Account No04-0100 as described below. A duplicate copy of this sheet is enclosed.										
x Credit any overpayment.										
x Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.										
Stephanie R. Amoroso, Ph.D.							eptember 17, 2004			
Attorney Reg. No.: 51,401										
DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (212) 527-7770										
				<u> </u>						
Express Mail Label No.		Dated:								

ປຸເອົາໄດກ No. (if known): 10/089,641

Attorney Docket No.: 06181/000K439-US0

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Response to Restriction Requirement (5 pages) along with Four Abstracts

(5 pages)

Amendment Transmittal Letter (1 page)

Transmittal (1 page)

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